

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL KURILLA,

Plaintiff,

v.

Case Number 17-11592

Honorable David M. Lawson

Magistrate Judge Patricia T. Morris

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND DENYING PLAINTIFF'S
APPLICATION TO PROCEED *IN FORMA PAUPERIS***

Presently before the Court is the report issued on May 18, 2017 by Magistrate Judge Patricia T. Morris pursuant to 28 U.S.C. § 636(b), recommending that the Court deny the plaintiff's application to proceed *in forma pauperis*. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

As the magistrate judge observed, the plaintiff stated in his financial affidavit that he is not employed, but he receives income from disability benefits in the amount of \$2,010 per month, and he has on hand \$190,000 in cash from the sale of his home. The plaintiff also stated that he owns two vehicles, a 2007 Jaguar and a 2015 Dodge Ram; that he pays debts of \$4,200 per month; that he has no dependents; and that he has an unspecified amount of credit card debt. The magistrate

judge recommended that the application to proceed *in forma pauperis* should be denied because the plaintiff has a large amount of liquid capital available, possesses two valuable motor vehicles, and has a considerable amount of monthly income from a private disability insurance company, and he has not demonstrated that, because of his poverty, he is unable to pay the filing fee in this case. *See* 28 U.S.C. § 1915. Moreover, the Court notes that, after the magistrate judge's report was issued, the plaintiff tendered the required filing fee to the Clerk of Court.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #5] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's application to proceed *in forma pauperis* [dkt. #2] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 6, 2017

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 6, 2017.

s/Susan Pinkowski
SUSAN PINKOWSKI